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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,627	02/02/2001	Hideyuki Ariyama	0152-0551P-SP	7701
2292	7590	01/23/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			KRIER, KEVIN R	
PO BOX 747			ART UNIT	
FALLS CHURCH, VA 22040-0747			PAPER NUMBER	
			1775	

DATE MAILED 01/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/773,627

Applicant(s)

ARIYASU ET AL.

Examiner

Kevin R Kruer

Art Unit

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 December 2003. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY (check either a) or b))

- a) ☒ The period for reply expires 2 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.
- NOTE: _____
3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-18 and 20-24.

Claim(s) withdrawn from consideration: 25.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Advisory Action

Applicant's arguments filed December 8, 2003 have been considered but are not persuasive.

Applicant argues that Kodera in view of Blemberg fails to render the claimed invention obvious because Kodera lacks a member comprising polyacetal. Applicant argues that Kodera actually teaches away from a layer consisting of polyacetal because such a film is too brittle (column 4, lines 42-52 of Kodera). The examiner initially notes that the rejection never took the position that Kodera teaches or renders obvious a structural member consisting of polyacetal. Rather, the examiner took the position that the structural member (c), as currently claimed, may comprise components other than polyacetal. The examiner's interpretation is consistent with Applicant's disclosure, which teaches that structural member (c) may comprise components other than polyacetal (see page 40 of the specification). Thus, the examiner maintains the position that the polyolefin/polyacetal blend taught in Kodera reads on structural member (c).

Furthermore, the examiner maintains the position that the method in which the structural member (c) is formed does not patentably distinguish the claimed invention from the laminate taught by Kodera in view of Blemberg. Specifically, there is nothing on record that shows that molding structural member (c) patentably distinguishes the laminate from a laminate made by the method disclosed in Kodera. Thus, the examiner maintains the position that the claimed laminates are not patentably distinct from the laminates taught by Kodera in view of Blemberg because they comprise the same layers and the same compositions.

Applicant further argues that Blemberg does not teach polyacetal films or provide motivation to one of ordinary skill in the art to add such a film to the laminate taught in Kodera. The examiner agrees with applicant's interpretation of Blemberg, but notes that the rejection never relied upon Blemberg for such a teaching. Blemberg was relied upon to teach that, if layers X and Y are to be adhered together at least one adhesive layer or tie layer can be used, wherein the tie layer comprises a blend of some or all of the components of X and some or all the components of Y (col 2, lines 21+). Therefore, the examiner maintains the position that it would have been obvious to one of ordinary skill in the art to interpose between layers (1) and (2) of Kodera a tie layer comprising a blend of the components comprising layers (1) and (2).

Applicant argues that the combination of Kodera in view of Blemberg does not result in a laminate with a C-A-B construction. The examiner respectfully disagrees. Film (1) of Kodera (a film or sheet of a resin composition comprising (A) 100 parts by weight of a thermoplastic resin selected from the group consisting of olefinic resins and vinyl chloride resins and (B) about 1 to about 40 parts by weight of an acetal resin) reads on claimed structural member (c) for the reasons stated above. Layer (2) of Kodera (a layer of the thermoplastic resin) reads on claimed structural member (B). And the tie layer motivated by Blemberg reads on the claimed structural member (A).

With respect to Kodera in view of Blemberg and Sakurai, Applicant argues that Sakurai fails to overcome the deficiencies of Kodera and Blemberg. However, the rejection is maintained for the reasons stated above.

With respect to the rejection based upon the teachings of Polyplastic in view of Blemberg, Applicant argues that Polyplastic teaches the laminate comprising a polyacetal layer and a polyolefin layer may further comprise a tie layer. However, the closest embodiment does not contain a tie layer. Applicant further argues that Polyplastic teaches the use of modifying agents to improve the adhesion between polyacetal and polyolefin layers. Applicant argues that the claimed structural members do not comprise modified compositions. However, Applicant's arguments do not agree in scope with the current claims. Specifically, Applicant discloses that modified polyolefins are among the preferred embodiments of the claimed invention (see page 39 of the specification, lines 7+). Applicant also teaches that the polyacetal can contain additional functionality (see page 7 of the specification).

Applicant further argues that the deficiencies of Polyplastic in view of Blemberg are not corrected by the teachings of JSR or Matsuzaki. However, the rejections are maintained for the reasons stated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-1700.

K-R K-

Kevin R. Kruer
Patent Examiner-Art Unit 1773

Paul H. H. H.